

CITY COUNCIL, CITY OF LODI
CITY HALL COUNCIL CHAMBERS
OCTOBER 6, 1965

This regular meeting of the City Council of the City of Lodi was held beginning at 8 p.m. of Wednesday, October 6, 1965, in the City Hall Council Chambers.

ROLL CALL

Present: Councilmen - BROWN, CULBERTSON, DOW(arrived 8:08 p.m.) WALTON(arrived 8:08 p.m.) and KIRSTEN(Mayor)

Absent: Councilmen - None

Also present: City Manager Graves, City Attorney Mullen, Administrative Assistant Peterson and Planning Director Schroeder.

MINUTES

Minutes of September 15, 1965, were approved as written and mailed on motion of Councilman Brown, Culbertson second.

VISITORS FROM
COSTA RICA

Mayor Kirsten welcomed the following officials from Heredia, Costa Rica: Mayor Zamora Cardoce; Vice Mayor Miguel Dobles; General Manager of the City Electric Company, Rodrigo Montero; City Engineer Ramon Ramirez and businessmen Juan Murillo, Rafael Sequeira and Jose Zamora. Mayor Kirsten also introduced David Ferrell of Conway Research who is the tour conductor for the group on behalf of the State Department and Dr. Frank Johnson of the Lodi District Chamber of Commerce who made the arrangements for their visit in Lodi.

CONGRESS FOR
COMMUNITY
PROGRESS REPORT

Dr. Johnson then presented the recommendations passed by the first Congress for Community Progress on September 2, 1965, as follows: (Councilmen Dow and Walton arrive.)

1. The City of Lodi continue to push for construction of underpasses at earliest possible dates.
2. Convert School Street into a mall on shopping nights.
3. Investigate what is being done in Pacifica with Explorer Scouts on a program teaching respect for law and order.
4. Canvass unlighted districts and encourage property owners to form assessment districts to provide proper lighting, with the city to furnish a brochure or other information means.
5. Investigate means for providing permanent airport service for Lodi.
6. Study possibilities of a transit system for Lodi.
7. Request the Southern Pacific Railroad to repaint the freight depot and perhaps in a more harmonious color.
8. City officials to investigate the possibilities of beautification around the Pine Street arch area.
9. Investigate and create a city ordinance for weed abatement and sidewalk improvement.

Minutes of October 6, 1965, continued

10. Endorse the plan for the Cherokee Lane improvement and other entrances; urge the city to continue with possible completion of this plan.
11. Establish several classifications of industrial zoning, with present industrial areas of the city to be rezoned to conform to the new classifications.
12. The Commission for Recreation and Parks to contact all agencies and explore all possibilities for the purpose of retaining water in Lodi Lake Park and surrounding areas on a year-round basis.
13. The City Council to explore all means of financing for construction of a new City Library, and explore the possibility of adding a cluster of buildings containing a cultural arts center.
14. The City Department of Recreation and Parks to look into the feasibility of forming a Cultural Arts Council serving in an advisory capacity to the department.

VISITOR
FROM GREECE

Mayor Kirsten then introduced Mayor Leonidas Belesis of Megalopoleos, Greece, who is visiting in Lodi.

BID OPENING - 1965 MUNICIPAL IMPROVEMENT BONDS

Mayor Kirsten called for opening of bids received for the sale of \$5,500,000 Municipal Improvement Bonds, Series A, notice thereof having been given in accordance with law. Bids received were as follows:

<u>Name of Bidder</u>	<u>Net Interest Cost</u>
The Bank of California N.A.	\$3,491,222.50
Bank of America N.T. & S. A.	3,509,181.00
The First National Bank of Chicago	3,550,605.00
United California Bank	3,515,397.50
Farmers & Merchants Bank of Central Cal.	3,509,480.00
Cincotta Inc.	3,481,393.50

After opening of the bids by the City Clerk was completed Mr. Carl Kadie and Mr. Mel Davison of Stone & Youngberg retired from the meeting to check the bids to determine which was the highest.

PUBLIC HEARINGS

R. TRIOLO
APPEAL

W. E. REMPFER

Notice thereof having been published in accordance with law, Mayor Kirsten called for public hearing on the appeal of Russell Triolo from the decision of the City Planning Commission in denying his request for the rezoning of the property at 723 South School Street from R-2 Single Family Residential to R-3 Limited Multiple Family Residential. Mayor Kirsten asked if there was anyone in the audience who wished to be heard in favor of the rezoning. (Mr. William E. Rempfer, 115 South Fairmont Avenue, interrupted the hearing to ask why his request to have West Lodi Avenue on the Agenda had not been done. He said the Planning Commission had not made a recommendation within the 90-day period required, and therefore the Council should resolve the question without further delay. Since the appeal of Mr. Triolo was the topic under consideration, Mayor Kirsten asked Mr. Rempfer to wait until later in the meeting.) There was no one present to speak in favor

Minutes of October 6, 1965, continued

of the appeal. The following people spoke against the appeal: Mr. Bill Adams, 304 S. School Street; Mr. Leon Grabow, 745 South School Street; and Mr. J. H. Worden, 737 S. School Street. There being no one else in the audience wishing to be heard in regard to the appeal, the public portion of the hearing was closed and the Council discussed the present zoning in the area of Mr. Triolo's property in relation to his request. Councilman Walton moved that the appeal of Mr. Triolo from the decision of the Planning Commission in denying his request for rezoning of the property at 723 South School Street to R-3 be denied. The motion was seconded by Councilman Culbertson and carried unanimously.

ZONING
KUNDERT ADDN.
TO C-2

ORD. NO. 799
INTRODUCED

Notice thereof having been published in accordance with law, Mayor Kirsten called for hearing on the recommendation of the Planning Commission to zone property at the northwest corner of Cherokee Lane and Almond Drive, to be annexed as the Kundert Addition, to C-2 Commercial. There were no protests to the zoning, written or oral. On motion of Councilman Brown, Dow second, the City Council introduced by unanimous vote Ordinance No. 799 zoning the property at the northwest corner of Cherokee Lane and Almond Drive to C-2, having unanimously waived reading of the ordinance in full.

ABANDONMENT -
PLEASANT BTW
PINE AND ELM

Notice thereof having been published in accordance with law, the Mayor called for hearing on the proposal to abandon Pleasant Avenue between Pine Street and Elm Street and portions of alleys abutting said street. There were no protests, written or oral. On motion of Councilman Walton, Dow second, the City Council adopted its Order abandoning said street and alleys.

COMMUNICATIONS

COUNTY RE
COMMUNITY
ACTION COUNCIL

A letter was read from the County Counsel of San Joaquin County stating the County Board of Supervisors was requesting the Community Action Council to amend the section of its by-laws dealing with the filling of vacancies on the Council which reads as follows: "Vacancies in the membership may be filled by a majority of the remaining directors, though less than a quorum, or by a sole remaining director." The Board of Supervisors feels the original appointing authority, that is, the Board of Supervisors or the City Councils, should retain the power to replace any director it originally appointed. The letter suggested that if the Lodi City Council were of the same opinion on this matter, a resolution should be adopted requesting the Community Action Council to amend its by-laws. Councilman Brown said that action on the letter should be postponed to the next meeting, that the Community Action Council would be having a meeting on the 8th to consider rewriting its by-laws. Dr. Frank Johnson said it was important to understand the considerations involved. He felt members should be selected from the neighborhoods involved in the war-on-poverty program. Councilman Culbertson stated the elected officials should maintain control since they are responsible. Councilman Dow moved that action on the letter from the Board of Supervisors be postponed for two weeks or until it is brought up by Councilman Brown. The motion was seconded by Councilman Brown and carried with Councilman Culbertson voting no.

Minutes of October 6, 1965, continued

RUTLEDGE
ADDITIONRES. NO. 2866
ADOPTED

A petition was received from the owner of land at the southeast corner of Turner and Sacramento Roads for the annexation thereof to the City as the Rutledge Addition, said proposal having been approved by the Local Agency Formation Commission of San Joaquin County. On motion of Councilman Culbertson, Dow second, the City Council adopted Resolution No. 2866 giving notice of the proposed annexation of the Rutledge Addition and setting public hearing thereon for October 20, 1965.

KUNDERT
ADDITIONRES. NO. 2867
ADOPTED

A petition was presented from all of the owners of land at the northwest corner of Cherokee Lane and Almond Drive for annexation thereof to the City as the Kundert Addition, said proposal having been approved by the Local Agency Formation Commission of San Joaquin County. On motion of Councilman Brown, Culbertson second, the City Council adopted Resolution No. 2867 giving notice of the proposed annexation of the Kundert Addition and setting public hearing thereon for October 20, 1965.

ABC LICENSES

The following notices of application for alcoholic beverage licenses were received:

1. Transfer application, on sale general, for Felix and Rochelle Torre, 31 Rancho, 620 N. Cherokee Lane.
2. Duplicate Wine Grower's permit for wine tasting and retail sales room at 606 W. Lockeford Street for Dennis P. and George Alexander.

AWARD - 1965 MUNICIPAL IMPROVEMENT BONDS

Mr. Davison and Mr. Kadie of Stone and Youngberg returned to the meeting, their checking and tabulation of the bids having been completed. Mr. Davison recommended that award be made to Cincotta Inc as the highest bid with a net interest cost of 3.5100%. On motion of Councilman Walton, Dow second, the City Council adopted the following resolution:

RESOLUTION NO. 2868

RESOLUTION SELLING \$5,500,000 PRINCIPAL AMOUNT OF CITY OF LODI 1965 MUNICIPAL IMPROVEMENT BONDS, SERIES A, AND FIXING THE DEFINITIVE RATES OF INTEREST THEREON.

WHEREAS, the City Council of the City of Lodi has duly authorized the issuance of \$5,500,000 principal amount of bonds designated "City of Lodi 1965 Municipal Improvement Bonds, Series A" (herein called the "bonds") and further duly authorized the sale of the bonds at public sale to the highest bidder therefor; and

WHEREAS, notice of the sale of the bonds has been duly given and the following bids for the bonds were and are the only bids received, to wit:

<u>Name of Bidder</u>	<u>Net Interest Cost</u>
The Bank of California N.A.	\$3,491,222.50
Bank of America N.T. & S.A.	3,509,181.00
The First National Bank of Chicago	3,550,605.00
United California Bank	3,515,397.50
Farmers & Merchants Bank of Central Calif.	3,509,480.00
Cincotta Inc	3,481,393.50

Minutes of October 6, 1965, continued

and

WHEREAS, the bid of Cincotta Inc is the highest bid for the bonds, considering the interest rates specified and the premium, if any, offered, NOW, THEREFORE,

BE IT RESOLVED by the City Council of the City of Lodi as follows:

1. Said bid of Cincotta Inc for the bonds is hereby accepted and the Treasurer is hereby authorized and directed to deliver the bonds to said purchaser thereof upon payment to the Treasurer of the purchase price, to wit: The par value thereof and a premium of \$1,711.50, together with accrued interest at the following rates:

<u>Bond Numbers</u> <u>(Inclusive)</u>	<u>Maturity Years</u> <u>(Inclusive)</u>	<u>Interest Rate</u> <u>Per Annum</u>
(All Bearing Prefix "A")		
1 to 221	1966 to 1974	4.30%
222 to 376	1975 to 1979	3.30%
377 to 562	1980 to 1984	3.40%
563 to 1100	1985 to 1995	3.50%

The bonds shall bear interest at the rates hereinabove set forth, payable semiannually on April 1 and October 1 in each year, except interest for the first year which is payable annually on October 1, 1966.

2. All bids except said accepted bid are hereby rejected and the City Clerk is hereby directed to return to the unsuccessful bidders their several checks accompanying their respective bids.

3. The City Clerk is directed to cause to be lithographed, printed or engraved a sufficient number of blank bonds and coupons of suitable quality, said bonds and coupons to show on their face that the same bear interest at the rates aforesaid.

4. This resolution shall take effect from and after its passage and approval.

PASSED AND ADOPTED this 6th day of October, 1965, by the following vote:

AYES: Councilmen - BROWN, CULBERTSON, DOW, WALTON and KIRSTEN

NOES: Councilmen - None

ABSENT: Councilmen - None

On motion of Councilman Brown, Walton second, the City Council then adopted the following resolution:

RESOLUTION NO. 2869

RESOLUTION AMENDING RESOLUTION NO. 2851
ADOPTED BY THE CITY COUNCIL OF THE CITY
OF LODI

BE IT RESOLVED by the City Council of the City of Lodi, as follows:

1. The last paragraph of the form of registered bond, contained on page 14 of Resolution No. 2851 adopted by this City Council on August 18, 1965, is amended to read as follows:

Minutes of October 6, 1965, continued

IN WITNESS WHEREOF, the City of Lodi has caused this Bond to be executed under its official seal, signed by its Mayor and its Treasurer, and countersigned by its City Clerk, and this Bond to be dated _____.

2. This resolution shall take effect from and after its passage and approval.

PASSED AND ADOPTED this 6th day of October, 1965, by the following vote:

AYES: Councilmen - BROWN, CULBERTSON, DOW, WALTON and KIRSTEN

NOES: None

ABSENT: None

COMMUNICATIONS (continued)

LETTER FROM WM REMPFER RE W. LODI AVE. REZONING Mr. Rempfer asked why his letter requesting that West Lodi Avenue be placed on the agenda had not been read. Mr. Graves replied that since Mr. Rempfer had already questioned the Council in that regard, he had not considered it necessary to read the letter. Mr. Graves then read the letter of Mr. Rempfer requesting that the Planning Commission's recommendations on the West Lodi Avenue rezoning be placed on the October 6 agenda. Mayor Kirsten said the matter of West Lodi Avenue would come up later in the meeting. He then declared a ten-minute recess.

PUBLIC HEARINGS (continued)

REZONE NW CORNER OF SCHOOL AND LOCKEFORD TO C-2 After the Council reconvened, Mayor Kirsten called for public hearing on the recommendation of the Planning Commission to rezone property at the northwest corner of Lockeford and School Streets from R-4 to C-2, notice thereof having been published in accordance with law. There were no objections to the rezoning, written or oral.

ORD. NO. 800 INTRODUCED Mr. Stanley D. Kirst spoke in favor of the request. On motion of Councilman Brown, Walton second, the City Council introduced Ordinance No. 800 rezoning two parcels at the northwest corner of School and Lockeford Streets from the R-4 Multiple Family Institutional zone to the C-2 Commercial zone, by reading of title only and waiving reading of the ordinance in full.

REPORTS OF THE CITY MANAGER

CLAIMS Claims in the amount of \$199,221.35 were approved on motion of Councilman Culbertson, Brown second.

SUPPLEMENTAL RESOLUTION RE OPEN SPACE GRANT Mr. Graves explained that a supplemental resolution was required for the filing of an application for a Federal grant in the acquisition of open space land (Basin B-1). The resolution provides that no person shall be discriminated against because of race, color, or national origin in the use of the land to be acquired. On motion of Councilman Dow, Culbertson second, the City Council adopted supplemental Resolution No. 2870 for the application of the open space grant.

AWARD - SALE OF BUILDINGS AT 220½ AND 302 W. ELM The following bids were received for the removal of buildings at 220½ and 302 West Elm:

	<u>Bidder</u>	<u>220½ W. Elm</u>	<u>302 W. Elm</u>
RES. NO. 2871	Ted Schneider, Jr.	\$506.00	\$111.00
ADOPTED	Maurice O. Ray, Jr.	-0-	502.00
	Jack Comer	-0-	512.00

Minutes of October 6, 1965, continued

Mr. Graves recommended that award be made to the high bidder in each case. On motion of Councilman Walton, Dow second, the City Council adopted Resolution No. 2871 awarding sale of the buildings as follows: The building at 220½ West Elm Street to the only bidder, Ted Schneider, Jr.; and the building at 302 West Elm to the highest bidder, Jack Comer.

POLICY RE
SALE OF
BUILDINGS

City Attorney Mullen said the question of permitting people to bid again on the sale of the houses had come up. In the past the Council has not considered further offers once the bids have been opened. Councilman Walton felt the Council should try to get the best price and that if someone wanted to raise the bid by 10% he should be permitted to do so. On motion of Councilman Dow, Walton second, the Council authorized the City Attorney to prepare notices to bidders for the sale of buildings to indicate that after the bids had been opened, the City Council would consider receiving bids which were at least 10% above the best bid.

TRAFFIC STUDY
PROPOSAL

Mr. Graves reviewed the proposal of Dr. D. Jackson Faustman, consulting traffic engineer, for a study analyzing and updating the City's existing street system. A complete study would cost the City \$10,500, but a study reduced in scope would be correspondingly less. According to the City Manager, past experience has shown that a complete study would be of much more value to the City. Because of the urgency of West Lodi Avenue, Mr. Graves said Dr. Faustman would bring in a report on that area before completing the survey.

REZONING W.
LODI AVE.

The Council then discussed whether or not the traffic survey should be made before or after the zoning on West Lodi Avenue had been resolved. Councilman Walton moved that the Council set for public hearing on October 20, 1965, the rezoning of Lodi Avenue between Hutchins Street and Ham Lane, proposing zoning on the south side as approved at the Council meeting of July 7, 1965, and C-P on the north side between California and Ham for the depth of one lot. His motion was seconded by Councilman Dow. Councilman Culbertson made a substitute motion to request the Planning Director to present a brief outline of the area in question. His motion was seconded by Mayor Kirsten and failed by the following vote:

Ayes: Councilmen - CULBERTSON and KIRSTEN

Noes: Councilmen - BROWN, DOW and WALTON

The motion of Councilman Walton to set West Lodi Avenue for public hearing then carried by the following vote:

Ayes: Councilmen - BROWN, DOW and WALTON

Noes: Councilmen - CULBERTSON and KIRSTEN

POSTPONE
HIRING TRAFFIC
ENGINEER

Councilman Culbertson moved that action on the hiring of a traffic engineer be postponed. His motion was seconded by Councilman Walton and carried.

P. TRITENBACH
TO DESIGN POR.
CHEROKEE LANE
LANDSCAPE

Mr. Graves presented a proposal from Mr. Paul Tritenbach for preparation of plans for landscaping Cherokee Lane from the north line of Teck's Nursery south to the Bypass Interchange. The cost of his services would be \$860. On motion of Councilman Culbertson, Dow second, the City Council authorized retaining Mr. Tritenbach for the landscape design of Cherokee Lane in accordance with his proposal.

Minutes of October 6, 1965, continued

DUSK-TO-DAWN
LIGHTSORD. NO. 801
INTRODUCED

Mr. Graves reported that the Superintendent of Utilities has been receiving requests for installation of 400-watt dusk-to-dawn lights. This is a larger light than is specified in the electric rate schedule and Mr. Graves recommended that the schedule be amended to include a 400-watt mercury vapor light at \$5.70 per month. On motion of Councilman Dow, Walton second, the City Council introduced Ordinance No. 801 amending Ordinance No. 781 and thereby providing for 400-watt dusk-to-dawn lights at \$5.70 per month, by reading of title only and waiving reading of the ordinance in full.

DRIVEWAYS -
DOUGLAS OIL
AT CHURCH
& LOCKEFORD

A request by Douglas Oil Company for three 30-foot driveways at the northwest corner of Church and Lockeford Streets was presented for Council consideration. On motion of Councilman Dow, Brown second, the driveways were approved as presented.

DRIVEWAYS -
STANDARD OIL
AT ELM AND
CHEROKEE

A request had also been received from Standard Oil Company for three 30-foot driveways at the northwest corner of Cherokee Lane and Elm Street. Councilman Dow moved that the request be granted. His motion was seconded by Councilman Walton. Councilman Culbertson asked the Director of Public Works about two of the driveways being close to the corner as he felt they could create a traffic hazard. The Director felt they would not be a problem, that space had been left at the corner but the City had enlarged the radius. The motion carried with Councilman Culbertson voting no.

DRIVEWAY
APPROVAL BY
DIR OF PW
PROPOSED

Councilman Dow moved that the Administration propose a resolution which would empower the Director of Public Works to make decisions on all driveway requests. His motion was seconded by Councilman Culbertson and carried.

M. J. VARNER
CONTRACT
AMENDEDRES. NO. 2872
ADOPTED

Mr. Graves presented an amendment to the City's contract with the architect for the Public Safety Building, Mr. Marion J. Varner, to cover plans for the Civil Defense Emergency Operating Center in the Public Safety Building and compensation therefor in the amount of \$24,000. On motion of Councilman Dow, Walton second, the City Council adopted Resolution No. 2872 amending the contract with Mr. Varner as presented.

REQUEST OF
WESTWAREHOUSES
FOR OUTSIDE
WATER SERVICE

The City Manager said a request had been received from Westwarehouses, Inc., for water service to a warehouse on their property south of Turner Road and east of the Southern Pacific right of way. This property is outside the City limits, but water lines are available for connection since this property had standby water service at one time. Mr. Graves explained that the City policy regarding such requests has been to deny them unless the owners agree to annex when requested by the City. On motion of Councilman Culbertson, Dow second, the City Council instructed the Administration to write to Westwarehouses informing them of the City's policy.

UTILITY
TRAINING
ASSISTANT
CLASSIFI-
CATIONORD. NO. ²⁸⁷³~~2783~~
ADOPTED

Mr. Graves recommended creation of the position of Utility Training Assistant. He said a person in this capacity would be useful in the Utility Department at this time and should help alleviate some of the problems by training electric crews in the principles and practices of electric utility construction and operation. He recommended that this classification be terminated on November 1, 1967. The salary would be about 2 $\frac{1}{2}$ % above that of lineman. The appointee would have a "Y" rate. On motion of Councilman Dow, Walton second, the City Council adopted Resolution No. 2873 establishing the position of Utility Training Assistant with a salary range of \$570 to \$693, said position to be abolished November 1, 1967.

Minutes of October 6, 1965, continued

POLICY RE
INSTALLATION
OF UTILITIES
IN SUBD.
AND PLAN
CHECKING

Mr. Graves reported that the Public Works Department is running into problems in installing utilities for subdividers since the City cannot maintain the Capital Improvement Budget and at the same time extend services to subdivisions. He said he could see no reason why the City should continue to do the work in subdivisions, other than electric installations. Mr. John Capell, 324 LaVida Drive, said he was disappointed to find that the final map of Sunset South Subdivision was not on the agenda. He was concerned that it would not be under the policy of allowing the subdivider to have the option of either having the utilities put in by a private contractor or having the work done by the City. Councilman Dow moved that the City stop installing utilities in subdivisions as recommended by the City Manager, except that maps which have been approved to date by the City Planning Commission would remain under the present policy. His motion was seconded by Councilman Brown. Director of Public Works Jones said he would like to see the City get out of the subdivision business and said the County Surveyor would do the final map checking for \$30. The Surveyor's Office is geared to do this sort of thing and he recommended that the subdividers have their map checking done by that office. In further discussing the present policy of installing utilities if requested by the subdivider, Councilman Culbertson pointed out that the subdivider would have to wait until his work could be scheduled if he wanted it done by the City. The motion of Councilman Dow then passed by unanimous vote. Councilman Walton moved that plan checking of subdivisions be done by the County Surveyor. His motion was seconded by Councilman Dow and carried by unanimous vote.

HARDBALL
PARK
REFRESHMENT
STAND

Mr. Graves recommended that the geodesic dome on the Lincoln School grounds be moved to the hardball park as it is no longer used at the school and could be used to replace the present refreshment stand at the ballpark. It is estimated that it will cost approximately \$671 to move the building and put in a concrete slab, conduit and plumbing. Councilman Brown said if the ballpark needed a new refreshment stand, the City should build a good one. Councilman Culbertson agreed, saying that the City could build a shell which would be more satisfactory than the geodesic dome. He suggested a building 12' x 16' and said the concessionaire could fix up the inside. Councilman Dow moved that the City Manager have a suitable building designed for a refreshment stand at the hardball park. His motion was seconded by Councilman Walton and carried unanimously.

ENCROACHMENT
ORDINANCE
CONTINUED

Councilman Dow moved that the study of the proposed Encroachment Ordinance be continued to the meeting of November 3, 1965. His motion was seconded by Councilman Walton and carried unanimously.

LEGISLATION
RE COUNCIL
SALARIES

City Attorney Mullen gave each member of the Council a letter explaining a law enacted by the last session of the State Legislature which authorizes the Council to adopt an ordinance providing that the members of the City Council shall receive a salary determined by the population group in which the City falls. A copy of a model ordinance to establish councilmen's salaries was attached to the letter.

ENCROACHMENT
ORDINANCE

Councilman Culbertson asked that a few basic rules be put in the proposed encroachment ordinance for consideration at the next study session thereon.

ADJOURNMENT

There being no further business, the City Council adjourned at 11:50 p.m. on motion of Councilman Dow, Walton second.

Attest: *Batricia Garibaldi*
BATRICIA GARIBOLDI, CITY CLERK